IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 396 of 2005

STATE & ANR.
V/S
HARI SINGH

Mr. HR SONI, AGA, for the appellant / petitioner

Date of Order : 8.8.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant. Perused the impugned judgments of the two learned Courts below.

From perusal of the findings of the learned Courts below, it is clear that the plaintiff had been using the way in question for more than the requisite period of time, and had acquired a right of way. In such circumstances, merely because in an unauthorised manner during settlement operations, the entry was changed so as not to show the land to be way, thereby the plaintiff cannot be deprived of his right of access to the land.

In that view of the matter, I do not find any error in the findings of the learned Courts below, as such, the appeal does not involve any substantial question of law. The same is, therefore, dismissed summarily. It is made clear that this decree obviously will not come in the way of the defendants if they provide suitable alternative way to the plaintiff for access to his land.

(N P GUPTA),J.

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